

**IVINS
CITY COUNCIL SPECIAL MEETING
MINUTES
October 13, 2015**

1) WELCOME AND CALL TO ORDER

MAYOR AND COUNCIL: The meeting was called to order at 7:00 p.m. and announced there was a quorum present.

A. [Acknowledgement of Quorum](#)

All present included Mayor Hart, Council Member Elwell, Council Member McDonald, Council Member Mendenhall, Council Member Roberts, and Council Member Densley.

STAFF: Dale Coulam-City Manager/Attorney, Sharon Allen-Deputy City Recorder.

EXCUSED: None.

Audience Attending: Kathy Barth, Lisa Rutherford, Lance Anderson, Kolby Anderson, Scott Raine, Brian Tritle-BLM Field Manager, as well as others who did not sign in.

B. Flag Salute--Mayor Hart

C. Invocation—Council Member Ron Densley

D. [Disclosures](#)

Council Member Steve Roberts stated that his father owns permits on BLM land, he is a hunter and an ATV Rider. **Council Member Ron Densley** stated that he also is a hunter and an ATV Rider. No other conflicts.

2) DISCUSSION AND POTENTIAL ACTION ITEM

A. [Discussion regarding possible objections to the BLM draft Resource Management Plan](#)

Mayor Hart stated that Brian Tritle from the BLM is taking time to answer questions this evening. There was a brief discussion at previous council meeting. There are several issues that pertain to Ivins City and specifically impact Ivins City and conduct a discussion to express the position of the City concerning these issues. **Council Member Lesley Mendenhall** had invited Lisa Rutherford to make comments concerning her position. However, **Council Member Steve Roberts** objected and moved to not allow any comment other than from the BLM. **Council Member Lesley Mendenhall** stated she had been invited to respond to the objections and since she only had three days to respond and had not read the document in its entirety, she called on Lisa. **Mayor Hart** stated that this is not publicized as a public hearing but we can ask questions. **Council Member George Elwell** stated that Council Member Steve Roberts has a valid point; others will not have the same opportunities as Lisa Rutherford as she stands above others that give their input. He would like to refer to Dale Coulam as to the appropriateness of this. **Dale Coulam** stated that this has not been noticed as a public hearing. Having the BLM here is appropriate to have him answer questions. Council Member Steve Roberts raises a valid point procedurally. **Council Member Steve Roberts** moved to restrict discussion to the Council and Brian Tritle, BLM Field Manager, as their representative. The motion was seconded by **Council Member Cheyne McDonald**. The motion passed. **Mayor Hart** began with concern over the lack of involvement in the drafting of the management plan. **Dale Coulam** stated that the first question was if Ivins City was a “cooperating agency” since the statutes and regulations refer to local government entities having the right to have cooperation, collaboration and meaningful involvement in planning discussions with the BLM. Brian Tritle stated he was new to the BLM. Cooperation and collaboration are referenced in there many times. For land-use level planning, those interpretations have consistently directed them to the Memorandum of Understanding. For

location and project level planning, the City could be a cooperating agency on those projects. **Mayor Hart** stated that since we could be considered a cooperating agency, it is of concern that we were not included in these discussions. Ivins City borders the conservation area concerning out city, and we would have appreciated being party to the issues that hit home to us. Brian Tritle stated that it was at the County levels, but the City has a strong argument. **Ron Densley** inquired what inspired this document and why. Brian Tritle stated that they were directed by Congress under the public management land act 2009. It has taken this long to get a plan together. **Mayor Hart** stated that there are provisions of that act that have not been followed through with. There is a conflict with the manual and the land bill. Brian Tritle stated that interpretation can vary depending on the situation and the issue. The policy needs some additional language. They are behind schedule and were asked to finish in 5 years. **Council Member Ron Densley** stated that Oregon took the 2009 document and made it the way they wanted to. Brian Tritle stated that various collaborations happen, and so it is complicated and you wind up with different things. **Council Member Lesley Mendenhall** stated that many people are involved in writing this management plan. **Mayor Hart** inquired if they were classified as organizing rather than writing the document? Brian Tritle stated it is a mix, there was consultation with many divisions and branches. **Council Member Ron Densley** stated that the City feels they didn't have ample representation making comments in the time proposed. **Council Member Cheyenne McDonald** stated he thinks the objection should be added in. **Council Member Ron Densley** moved to include the objection as written. That motion was seconded by **Council Member Steve Roberts**. The motion passed by a vote of 4-1, with Council Member Mendenhall opposed.

Mayor Hart inquired if Brian Tritle could explain the origin of the water rights proposal? Brian Tritle stated that following the 2009 lands bill there were several national conservations designated, but the BLM produced a set of manuals for more direction. It is a recognition that there are conservation uses for water. It is tied with those kinds of resources. It comes across as being different from language in the past and going in a new direction. What is missing is the recognition and commitment to existing water users and that it will manage water rights and oversee uses of that. They need to do some work on that section. **Mayor Hart** stated that there is a certain distrust that it is a toe-in-the-door thing and what this could lead to. In the Red Cliffs NCA they talk about a substantial percentage including Ivins wells in Snow Canyon. Brian Tritle stated that the Forest Service had similar issues with that language in there. It comes across wrong. It needs some clarification. **Council Member Steve Roberts** moved to include objection #2 in the objection letter as written and seconded by **Council Member Ron Densley**. The motion passed unanimously.

Mayor Hart stated that objection #3 deals with the Northern Corridor. The RMP portrays a sizeable area under the least restrictive Alternative D, which is the one of the least likely to be adopted. Their Alternative B has no mention of the Northern Corridor in it. The directive we gave to staff was that if the Northern Corridor is part of Ivins City planning, we should object based on that. **Dale Coulam** stated that to the extent Ivins is a member of Dixie MPO we have incorporated their objections by reference. Chuck Gillette has also set forth Ivins' specific objections. **Council Member George Elwell** stated if there is no Northern Corridor, there's no need for the Western Corridor to be completed. It would bring so much traffic to this area with no place to go. No options. **Mayor Hart** stated that the Northern Corridor has been in planning since 1991 or 1992 and was included in Vision Dixie exercise in 2007 as a part of a belt route it

would encircle the greater St. George metropolitan area in the future. St. George is unusual geographically because it is broken up by hills and bluffs not conducive to roadways. Eventually 10-15 years transportation system will break down. The question is how we are going to rectify that if the Northern Corridor does not come into place. **Council Member Ron Densley** made a motion to recognize the Northern Corridor and include the objection. That motion was seconded by **Council Member Cheyne McDonald**. The motion passed by a vote of 4-1, with Council Member Mendenhall opposed.

Mayor Hart introduced objection #4 regarding the California condors. While acknowledging support for the California condors generally, he referenced the difficulty Ivins City had in getting the Tuacahn detention dam constructed. It began in the late 1990s and the creation of the Red Cliffs Desert Reserve and with the associated procedural complications of bringing that about led to that dam not being built in time when the Santa Clara dam failed in 2012. He cited that as an incident that the City faced that resulted in substantial damage. The possibility exists that because the California Condor ranges over 150 miles, habitat could dramatically expand and we need to know the implications of that. **Mayor Hart** inquired if it could expand? Brian Tritle stated that he supposes it could be possible. It is standard language for conservation purposes. The plan doesn't propose that, but it does allow for future reintroduction. Yes it would be possible. **Dale Coulam** stated it may be best to preserve our objection now in order to object to any attempted expansion in the future. **Council Member George Elwell** stated he would like to include the objection. **Council Member Lesley Mendenhall** referred to the first paragraph of her letter. We went down to 22 condors left in the whole world. They were captured to save the species and with enormous effort they bred and came up with a recovery plan and California and Arizona have been successful. The success has been documented in Utah in Zions. We are not going to suddenly fill the sky with condors. They are not a threat to ravens but a help and she does not see it as a big issue. **Mayor Hart** stated that it is positive in every way except the concern where it is going to go from here. We should note it as a City so they know we have reservations towards certain areas of it. **Council Member Lesley Mendenhall** stated that no one can answer that question. **Council Member Steve Roberts** stated that we are not objecting to the condor itself. **Mayor Hart** stated that the objection is that we have had a bad experience working in a protected area in the past and that we have concerns about the protected area expanding in the future there **Council Member Ron Densley** stated that he is not objecting to the species but if they put restrictions on, we want to have some input. **Council Member Ron Densley** moved to include the objection in our letter with the Mayor's comments to be added later. That motion was seconded by **Council Member George Elwell**. The motion passed by a vote of 4-1 with Council Member Mendenhall opposed.

Mayor Hart stated that objection #5 has to do with ATV, recreation and hunting and this broadened as Council Member George Elwell's wife is physically challenged and confined to a motorized wheelchair. Limiting access for ATV trails impacts that population. **Council Member George Elwell** stated that there are 15 million Americans in the United States. 1 in 4 are handicapped in some capacity. There are assistance vehicles needed to those who are handicapped and this is disqualifying a class. It is a discrimination pure and simple. His concern is that it may not be their intent but they are eliminating a class by doing so. **Mayor Hart** stated that in this area, it is a cultural issue and in reading this he doesn't fully understand how much of a reduction in trail areas this represents. Brian Tritle stated that the valley area Gold Strike is a designated open HOV area. Sand Mountain is an open HOV area. It was put in place to please

HOV folks. It gets very little use. It is an important mule deer winter range area. This designation was a mistake. It is extremely rocky, steep terrain, and not very accessible. The routes that exist would be preserved. So it would be open to designated route areas. Its best use is to preserve threatened and endangered species habitat. **Council Member Cheyne McDonald** stated that although there are designated trails, the ability to get to them are cut off or gone. Access to them are also an issue. **Council Member Lesley Mendenhall** stated it is limited to the designated roads that are already there. ATV users are coming back and saying more people are only using the designated trails. It also happens to be a multi-species management area. That is a great example of both sides coming together. Brian Tritle stated there will be some that say leave it alone. **Council Member Steve Roberts** inquired what will prevent them from changing this later? He got 100 signatures in a quick survey that are ATV riders. That is a significant amount of people. There could be 300+ in this area. It needs to be addressed because we have seen it progress. He thinks we should leave things as it is. The BLM can't manage it. It manages itself. **Council Member Ron Densley** stated he concurs. Leave it alone. **Mayor Hart** stated that these designations have been resolved and it comes across as regulation creep that may continue to creep. **Council Member Lesley Mendenhall** states that regulation is not always a bad thing. She is in the minority, but she doesn't believe that's the case or that it is a terrible thing. **Mayor Hart** stated that if we have an objection it should be because someone is being harmed. The trails haven't been cut off but there are some that are no longer legal to ride on. We could add hunter access should be maintained. **Council Member Ron Densley** stated they regulate draws on where we can and can't hunt. It isn't like we will go in and destroy the habitat. It is already regulated to that extent. It is just another layer of regulation on top of regulation. **Council Member Cheyne McDonald** stated that we are trying to say we have concerns and we want this looked at so we can preserve people's rights. He owns four-wheelers himself but he is not opposed to regulating it, but if we don't address it as a concern, it would be a possibility that the restriction could be greater. **Mayor Hart** stated that access is a concern, collaboration with the OHV community, hunters' access is also a concern. **Council Member Cheyne McDonald** stated it needs to be stated that it will be continuous. Something has to state that it will be periodically looked at on a yearly basis or whatever we decide, but it needs to be looked at in a future point. **Mayor Hart** asked if retrieval of a deer is breaking the law? Brian Tritle stated that DWR doesn't know where they stand with that. It is important for a variety of ages and abilities to be able to get out there but damage is a concern as well. **Council Member Cheyne McDonald** is in favor of leaving the language in there so the County and the BLM would be required to have to address it at least. **Council Member George Elwell** stated he believes people are reasonable but we didn't have the opportunity to weigh in. It is not an indictment of what the BLM is doing, just to listen to our concerns and this is our opportunity to express our concerns. **Council Member Steve Roberts** moved to include objection #5 regarding ATV and hunting as amended. The motion was seconded by **Council Member Cheyne McDonald**. The motion passed by a vote of 4-1, with Council Member Mendenhall opposed.

Mayor Hart stated that objection #6 deals with grazing restrictions. **Council Member Steve Roberts** stated that we have ranchers that state if they had to reduce utilization by 40% they could not grow feed here. There is no ability to sustain that. It would be devastating to the lifestyle and livelihood of those people. **Mayor Hart** inquired where this came from? Brian Tritle stated that it goes back to the conservation areas. Most of the grazing we are talking about is associated with the Beaver Dam Wash NCA involving the desert tortoise, scenic values, etc. There is overlap in the food and vegetation that they eat. Biologically there is a direct conflict

there. Cattle also trample their burrows, impacting their reproduction success. Different grazing management tactics were presented, everything from leaving it the way it is, or no grazing at all. (Alternative C) Those are the drivers. **Mayor Hart** inquired if it in fact resulted in a 40% reduction in grazing of cattle in that area. Brian Tritle stated it is calculated by how many animals are in an area for a month, they monitor that and that is how it came about. They are basing a 10% reduction on paper by AUMs (Animal Unit Months) and utilization. He doesn't know if 40% is true. **Council Member Steve Roberts** inquired if it is a goal that a permit cannot be transferred? Brian Tritle stated that he thinks so but he would have to double check. **Council Member Steve Roberts** inquired if it was held by an LLC is that the only way they could hold it so as not to lose it? Brian Tritle stated potentially but he again would have to double check. Great questions and concerns. **Council Member Cheyne McDonald** stated that again we are just asking that this is addressed. We want to make sure that this is looked at and we have residents that are farmers with grazing rights and significant landholders and we are saying not to restrict it down so far or this needs further study. We are just asking to address it because we have concerns. **Mayor Hart** stated that there is some economic harm for some of our residents that graze cattle in that area. He tends to agree with Council Member McDonald to mention it as an objection. **Council Member Ron Densley** motioned to include objection #6. The motion was seconded by Council Member Elwell. The motion passed by a vote of 4-1, with Council Member Mendenhall opposed. **Dale Coulam** stated that he will immediately send the amended objection letter out to the Council at the conclusion of this meeting

3) ADJOURNMENT

MOTION: Council Member McDonald moved to adjourn

SECOND: Council Member Mendenhall

VOTE: The motion carried.

Council Member Elwell	AYE
Council Member McDonald	AYE
Council Member Mendenhall	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

The meeting adjourned at 9:23 p.m.

Respectfully,

Sharon Allen
Deputy City Recorder